

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Review of Part 87 of the Commission's Rules))	WT Docket No. 01-289
Concerning the Aviation Radio Service)	

COMMENTS IN RESPONSE TO THE
SECOND FURTHER NOTICE OF PROPOSED RULE MAKING

Submitted by:

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March 6, 2007

I.

INTRODUCTION

1. Before the Federal Communications Commission (Commission) is a Second Notice of Proposed Rulemaking (**NOTICE**) to WT Docket No. 01-289, requesting further review of the 47 CFR Part 87 Aviation Radio Service (ARS), and in particular requesting comment as to whether the Commission should cease certification of 121.5 MHz ELTs and, if so, what grandfathering protection should be afforded such devices.¹

II.

COMMENTER QUALIFICATIONS

2. Commenter is an unlimited licensed, board certified and actively practicing Adult Medicine/Geriatric Medicine/Family Practice Physician and Surgeon. Commenter holds the academic faculty appointment of Assistant Clinical Professor, Department of Family Medicine, Georgetown University School of Medicine. Commenter holds the current positions of President – Medical Society of Northern Virginia, Virginia [State] Osteopathic Medical Association (VOMA) Delegate and Delegation Vice-Chairman to the [National] American Osteopathic [Medical] Association (AOA) House of Delegates. Commenter has held the previous positions of President (CY'94) – Alexandria (VA) Medical Society, Vice-Councilor (EY'95) – Medical Society of Virginia 8th U.S. Congressional District, Chairman – AOA Technology and

¹ SECOND FURTHER NOTICE OF PROPOSED RULE MAKING, WT Docket No. 01-289, FCC 06-148, October 4, 2006, Paragraph 43.

Health Care [Telemedicine] Task Force, and Executive Member - AOA Council on Federal Health Programs.

3. From 1990 to 2000, Commenter served as Chairman – Legislative/Regulatory Affairs, Special Emergency Radio Service Representative – RPRC, and Medical Profession Representative - Technical Committee, of the National Public Safety Planning Advisory Committee's (NPSPAC) Region-20 [State of Maryland, Washington, DC, Northern Virginia] 821 MHz Public Safety Regional Plan Review Committee (RPRC), for the development and implementation of a Public Safety National/Regional Plan (GN Docket No. 90-7) for the use of the 821-824/866-869 MHz bands by the Public Safety Services pursuant to the Report and Order in GN Docket No. 87-112.

4. Commenter is also a First Class Telecommunications Engineer, certified by the National Association of Radio and Telecommunications Engineers (NARTE), possessor of a First Class Certificate of Competency, issued by the Association of Public Safety Communications Officials, Inc. - International (APCO), and a Fellow of The Radio Club of America. Commenter has over 30 years experience in the telecommunications field with many of these years spent actively participating in Commission proceedings.

5. Commenter is Commission licensed in the Amateur Radio Service, Business Radio Service, General Mobile Radio Service and Special

Emergency Radio Service. Commenter has taken examination for and has been issued the Commission's commercial GMDSS Radio Maintainer, GMDSS Radio Operator, and General Radiotelephone Operator Licenses. It is with having the above extensive expertise in dealing with personal, business, medical and emergency/public assistance communications matters that this Commenter is qualified to submit the following timely filed **COMMENTS** in response to comments submitted to this **NOTICE**.

III. COMMENTS

6. Commenter is the current owner of a Breitling 121.5 MHz Emergency Mission ELT watch. This watch was purchased approximately one year ago and is currently appraised at a value of over Five Thousand Dollars (\$5,000.00).

7. This Commenter was fully knowledgeable of the *Breitling Waiver Letter* of 2000 and the *Breitling Waiver Order* of 2001 prior to making the purchase of the above ELT watch. This Commenter deliberately delayed in making said purchase to provide adequate time (greater than five years) for the Commission to address any issues it may have had concerning the *Breitling Waiver Order*. It now appears that this Commenter was naive to think that greater than five years was adequate time for the Commission to have addressed any future issues concerning the Breitling Waiver Order.

8. This Commenter purchased a Breitling Emergency Mission ELT watch because of his necessity of traveling to multiple destinations by

aircraft each year. Of even greater irony is that as this Commenter is composing these comments, he is currently on United Airlines flight 1550, from MCO to IAD, flying at an altitude of 39,000 feet. And yes, this Commenter is currently wearing his Breitling Emergency Mission ELT watch!

9. This Commenter takes the strongest opposition to the Commission's consideration of ceasing future certifications of 121.5 MHz ELTs, such as the Breitling Emergency ELT watch, for the most important reason of all, safety of life. It is this Commenter's understanding that the Breitling has proof positive documentation of individual lives having been saved; their rescues directly attributable to the possession and activation of Breitling Emergency ELT watches. This Commenter is in firm agreement with others in the Public Safety community, and in particular Search and Rescue (SAR) organizations, that the continued permitted and indefinite use of short-range 121.5 MHz ELTs will greatly enhance the ability of SAR responders to succeed in their missions of saving lives.

10. However, should the Commission ignore the long term benefits of continued certification of 121.5 MHz ELTs, than any grandfathering of ELTs, such as the Breitling Emergency ELT watches, must be indefinite. The Breitling Emergency ELT watch was designed and manufactured to survive for decades, outliving the life of the owner. Therefore and on behalf of the hundreds, if not thousands, of Breitling Emergency ELT watch owners, it is

strongly requested that the Commission never set a grandfather limit on such ELT devices.

IV. CONCLUSION

11. Before the Federal Communications Commission (Commission) is this **NOTICE** requesting further review of the 47 CFR Part 87 Aviation Radio Service (ARS), and in particular requesting comment as to whether the Commission should cease certification of 121.5 MHz ELTs and, if so, what grandfathering protection should be afforded such devices.

12. This Commenter takes the strongest opposition to the Commission's consideration of ceasing future certifications of 121.5 MHz ELTs, such as the Breitling Emergency ELT watch, for the most important reason of all, safety of life. This Commenter also opposes any potential grandfathering limitation on existing ELTs, such as the Breitling Emergency Mission 121.5 MHz ELT, for such devices were designed and manufactured not only to outlast the life of their owners, but also of their heirs.

Respectfully submitted,

|s| *Michael C. Trahos, D.O., NCE,*

CET

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